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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,172	02/07/2002	Jesus Fernandez-Grandizo Martinez	KOB-5	1308

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EXAMINER

SNIDER, THERESA T

ART UNIT PAPER NUMBER

1744

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,172

Applicant(s)

FERNANDEZ-GRANDIZO
MARTINEZ, JESUS

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4, 6-8, 13-16, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5, 9-12, 17-19 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/05/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

reference character "14" has been used to designate both vacuum cleaner housing(page 3, line 19) and side housing(page 4, line 11);

reference character "26" has been used to designate both bottom portion(page 4, line 23) and lower portion(page 5, line 9 and page 7, line 1);

reference character "30" has been used to designate motor housing(page 3, line 21), bottom part(page 5, lines 3,5,21 and 23) and bottom edge(page 6, line 3);

reference character "34" has been used to designate both top edge(page 6, line 1) and bottom portion(page 6, lines 6, 8 and 14);

reference character "44" has been used to designate both bottom portion(page 6, line 21) and bottom surface(page 7, lines 10 and 18);

reference character "31" has been used to designate both top portion(page 3, line 22) and top(page 8, line 4);

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: d1(page 3, line 24) and d2(page 4, line 2). A proposed drawing correction or corrected drawings are required in

reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because figures 1-2 have two 12s and 14s. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 1, line 10, 'the more' should be replaced with 'more';

Line 10, 'that' should be deleted.

Page 2, line 4, 'air' should be inserted after 'cooling'.

Page 4, line 14, 'a shaft' should be replaced with 'shaft';

Line 22, 'a housing' should be replaced with 'housing';

Line 23, 'a motor' should be replaced with 'motor'.

Page 5, line 3, 'a' should be deleted;

Line 10, 'extends' should be inserted before 'extends';

Line 22, 'a' should be deleted.

Page 6, line 2, 'aas' should be replaced with 'as'.

Page 6, line 10, 'position' should be replaced with 'positioned'.

Page 7, lines 2 and 16, 'a' should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 2-3, 5, 9-12, 14, 17-19 and 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 2, line 1, 'cooling-' should be inserted before 'air'.

Claim 3, line 3, 'cooling-' should be inserted before 'air'.

Claim 5, lines 3 and 4, 'a' should be replaced with 'the'.

Claim 9, line 2, it is unclear as to whether the 'upper portion' and 'lower portion' are in addition to the top and bottom of claim 1, line 3 or one in the same.

Claim 10, line 1, 'cleaner' should be deleted.

Claim 12, line 1, 'top portion' lacks proper antecedent basis.

Claim 17, line 1, 'air' should be deleted.

Claim 19, line 2, 'the top part', 'the bottom part' and 'the upper portion' lack proper antecedent basis.

Claim 22, line 3, 'the vacuum cleaner' lacks proper antecedent basis;

Line 4, it is unclear as to which 'the bottom edge' refers; that of line 2 or of claim 10, line 3?

Claim 23, line 1, it is unclear as to which 'the bottom edge' refers; that of claim 22, line 2 or of claim 10, line 3?

Claim 24, line 2, it is unclear as to whether the 'sidewall' is in addition to the 'side of claim 1, line 4 or one in the same;

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Line 4, 'the bottom surface' lacks proper antecedent basis;

Line 5, 'cooling-' should be inserted before 'air'.

Claim 25, line 2, 'cooling-' should be inserted before 'air'.

Allowable Subject Matter

6. Claims 1, 4, 6-8, 15-16 and 20-21 are allowed.

7. Claims 2-3, 5, 9-14, 17-19 and 22-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a cooling system for providing cooling air fro a motor having a shaft extending through an opening within the motor, the motor being contained within a vacuum cleaner housing having a top and bottom, the cooling system having a cooling-air inlet located in a side of the housing, a motor housing integral with the cleaner housing having a top portion defining a hole passing there through in flow communication with the cooling-air inlet, a side wall surrounding the hole and extending from the top portion and a cooling-air- exhaust outlet located in the side of the cleaner housing HOWEVER fails to disclose or fairly suggest a baffle circumscribing the motor, the baffle having a dimension greater than that of the hole enabling cooling air to pass through the opening in the motor along a length of the motor aligned with the shaft of the motor with at least a portion of the motor positioned within the sidewall.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White et al. and Worden et al. disclose cooling systems for vacuum cleaners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.S. Snider

Theresa T. Snider
Primary Examiner
Art Unit 1744

02/20/2004